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10/505,174	08/31/2004	Satoshi Kitani	255234US6PCT	7201
22850	7590	02/07/2008		
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			EXAMINER CALLAHAN, PAUL E	
			ART UNIT	PAPER NUMBER
			2137	
			NOTIFICATION DATE	DELIVERY MODE
			02/07/2008	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patentdocket@oblon.com
oblonpat@oblon.com
jgardner@oblon.com

Office Action Summary

Application No.

10/505,174

Applicant(s)

KITANI ET AL.

Examiner

Paul Callahan

Art Unit

2137

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 November 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 and 7-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 7-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 August 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 8-31-04 p. 1
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. Claims 1-15 were pending in the instant application at the time of the previous Office Action, mailed August 9, 2007. By the latest amendment, filed November 9, 2007, claims 5 and 6 have been cancelled. Therefore claims 1-4 and 7-15 remain pending and have been examined.

Priority

2. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Response to Arguments

3. Applicant's arguments filed August 9, 2007 have been fully considered but they are not persuasive.

The Applicant argues in traverse of the rejections of the claims under 35 USC Sec. 102(e) as anticipated by Tagawa.

The applicant argues that Tagawa fails to teach the feature, now found in the amended claims, of encrypting intermediate key information using a device key unique to the recording apparatus. However, a review of Tagawa shows that such is taught, for example, at col. 5 lines 50-67 and col. 15 lines 45-65 where a temporary storage key unique to the information processing apparatus is used. This reads on the Applicant's device key.

The Applicant argues that Tagawa fails to teach the feature found in the claims of a storing portion storing fourth information unique to a valid electronic device or software. However, a review of Tagawa shows that such is indeed taught at, for example, figures 12, 13, and col. 11, lines 1-67.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

5. The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

6. Claims 1, 3, 7, 9, 11, and 13-15 are rejected under 35 U.S.C. 102(e) as being anticipated by Tagawa et al., US 6,615,192.

As for claims 1, 3, 7, 9, and 11, Tagawa teaches a signal processing system having a reproducing apparatus for reading information from a recording medium having unique information and an information processing apparatus for mutually authenticating and connecting the reproducing apparatus through a transferring portion (col. 2, lines 4-16), wherein the reproducing apparatus comprises: final encryption key generating portion configured to generate a content information encryption key in accordance with intermediate key information. (According to CPRM a "title key" is to serve as the "final key" col. 1, lines 29-48); a first transmitting portion configured to transmit the intermediate key information to the information processing apparatus through the transferring portion (see figure 4 of the drawings; col. 1, lines 61-67; col. 2, lines 1-4); and a second transmitting portion configured to transmit the content information encryption key to the information processing apparatus through the transferring portion (see figure 4 of the drawings; col. 1, lines 61-67; col. 2, lines 1-4), and wherein the information processing apparatus comprises: a content information encrypting portion configured to encrypt content information using the content information encryption key (col. 1, lines 29-37); an intermediate key information encrypting portion configured to encrypt the intermediate key information using key information unique to the recording medium, the key information being generated in accordance with the information unique to the recording medium (col. 1, lines 39-45) and a device key unique to the information processing apparatus (col. 5 lines 50-67, col. 15 lines 45-67); and a recording portion configured to record the encrypted content information and the encrypted intermediate key information to the recording medium (col.1 lines 29-48).

As for claim 13, Tagawa teaches a reproducing apparatus comprising: at least one of a recording portion configured to record encrypted data to a recording medium having pre-recorded first information for invalidating an illegal electronic device, second information that differs in each content, third information definable for each encrypted unit, and identification data that differs in each stamper are pre-recorded and a reproducing portion configured to reproduce encrypted data recorded on the recording medium (see figure 12-13 of the specification; col. 1-67); a storing portion configured to store fourth information unique to a valid electronic device or application software; a revoking processing portion for determining whether or not the fourth information is information unique to a valid electronic device or application software using the first information and the fourth information (see figure 12-13 of the specification; col. 11, lines 1-67); a calculating portion configured to obtain intermediate key information unique to each recording medium using the first information, the fourth information, the second information, and the identification data when the determined result of the revoking processing portion represents that the fourth information is information unique to a valid electronic device or application software; and a transmitting portion configured to transmit the intermediate key information to the final encryption key generating portion of an information processing apparatus through a transferring portion (see figure 12-13 of the specification; col. 11, lines 1.-67).

As for claim 14, Tagawa discloses the recording and reproducing apparatus further comprising: an authenticating portion configured to mutually authenticate a data processing apparatus configured at least to encrypt data or decrypt data using a key generated in accordance with the intermediate key information (see figure 1a-1b of the drawings; col. 1, lines 60-67; col. 2, lines 1-16); and an intermediate key information encrypting portion configured to encrypt the intermediate key information using a session key generated when the authentication has been successfully performed and to transmit the encrypted intermediate key information to the data processing apparatus (see figure 1a-1b of the drawings; col. 1, lines 60-67; col. 2, lines 1-16).

As for claim 15, Tagawa discloses a data processing apparatus, comprising: an authenticating portion configured to authenticate a recording and reproducing apparatus, the recording and reproducing apparatus having fourth information unique to a valid electronic device or application software, and configured at least to record encrypted data to a recording medium on which first information for invalidating an illegal electronic device, second information that differs in each content, third information definable for each encrypted unit, and identification data that differs in each stamper are pre-recorded or reproducing encrypted data recorded on the recording medium (col. 1, lines 60-67; col. 2, lines 1-67; see figure 12-13 of the specification); a key information decrypting portion for receiving the first information, the fourth information, and intermediate key information from the recording and reproducing apparatus and decrypting the intermediate key information, the first information and the

forth information having been encrypted using a session key generated when the authentication has been successfully performed, the intermediate key information being unique to each recording medium and generated using the second information and the identification data (col. 1, lines 29-67; col. 2, lines 1-67); a final encryption key generating portion configured to generate a final encryption key using the third information received from the recording and reproducing apparatus and the decrypted intermediate key information; and an encrypting and decrypting portion configured at least to encrypt data using the final encryption key or decrypting data using the final encryption key. (As described above, a final key according to CPRM specification is the same as the "title key" col. 1, lines 29-67; col. 2, lines 1-67).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 2, 4, 8, 10 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tagawa et al. (US 6, 615, 192 B1) in view of Kojima et al. (JP 2002-348925).

As for claims 2, 4, 8, 10 and 12, Tagawa fails to teach a reproducing apparatus that further comprises a random number generating portion configured to generate a random number, and wherein the intermediate key information is a random number generated by the random number generating portion. However, Kojima discloses a reproduction apparatus further comprises a random number generation portion for generation a random number and wherein the intermediate key information includes the random number generated by the random number generating portion (para. 0029, lines 1-11). Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Tagawa to include the use of a reproducing apparatus having a random number generator, and the title key is randomly generated by a random number generator in order for the recording device and the reproducing device to communicate securely over unsecured channels, such that unauthorized parties would be unable to obtain content transferred between the recording device and the reproducing device, and to able to assign different title keys for each group of contents.

Conclusion

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul E. Callahan whose telephone number is (571) 272-3869. The examiner can normally be reached on M-F from 9 to 5.

If attempts to reach the examiner by telephone are unsuccessful, the Examiner's supervisor, Emmanuel Moise, can be reached on (571) 272-3865. The fax phone number for the organization where this application or proceeding is assigned is: (571) 273-8300.

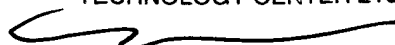
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/Paul Callahan/

January 31, 2008

NASSER MOAZZAMI
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100


2,13,08